REMARKS

This Amendment is a full and timely response to the Office Action dated July 21, 2003. By this Amendment the title has been amended to "Optical Pickup Device and Optical Disk Device Having A Diffraction Grating." The specification has been amended to correct minor informalities, and Figs. 1-7 have been amended to include a "Prior Art" legend. Claim 1 has been amended to recite, among other things, wherein the first diffraction angle diffracts the first reflected light beam and the second diffraction angle diffracts the second reflected light beam so that the first reflected light beam and the second reflected light beam being focused to a same spot on the light receiving surface of the photodetector. Similarly, claims 2, 9, 10, and 29 have been amended to include those elements added to claim 1. Support for the changes to claims 1, 2, 9, 10, and 29 can be found variously throughout the specification and the drawings. For example, support for the elements added to claims 1, 2, 9, 10, and 29 can be found in the paragraph beginning at page 20, line 13 of the specification. No new matter has been added. Claims 1-10 and 17-29 are pending, where claims 3-8 are withdrawn, and claims 1, 2, 9, 10, and 29 are independent.

Specification Changes

Applicant has amended the specification to correct various spelling errors. No new matter has been added. Applicants thank the Examiner for the helpful suggestions.

Objections to the Drawings

The drawings were objected to for allegedly failing to designate Figs. 1-7 as prior art. Submitted herewith are replacement drawings for Figs. 1-7 that include the "Prior Art" legend. Accordingly, Applicant requests that the objection to the Drawings be withdrawn.

Further the Office Action indicated that any proposal for amendment to the drawings must consist of a separate letter to the Draftsman and a print or pen-and-ink sketch showing changes in red ink. However, as of July 30, 2003, the U.S. Patent and Trademark Office has adopted a revised amendment practice and rule change to 37 CFR 1.121. Under this revision, the proposed drawing correction process is eliminated, and the amendment to the drawings must

now include replacement drawing sheets showing amended figures which include the desired changes, without markings, on a separate sheet, and explanation of the changes in the remarks or the drawing amendments section of the amendment paper. For at least these reasons Applicants submit that the Examiner's two part requirement for presenting a proposed drawing amendment is in error, and contradicts the above-stated revision to 37 CFR 1.121, which Applicant has used in presenting the drawing amendments.

Objection to the Title

The title was objected to for allegedly being imprecise and non-descriptive. Applicant has amended the title to "Optical Pickup Device and Optical Disk Device Having A Diffraction Grating." Withdrawal of the objection to the title is rejection.

Rejections Under 35 U.S.C. §102

Claims 1, 2, 9, 10, and 17-29 were rejected under 35 U.S.C. §102(e) as anticipated by *Shimano et al.*, U.S. Patent No. 6,400,664. Applicant respectfully traverses this rejection.

Independent claim 1 recites an optical pickup device comprising, a first light source for emitting a first light beam having a first wavelength; a second light source for emitting a second light beam having a second wavelength different from the first wavelength; an objective lens for focusing said first light beam or said second light beam to the signal recording surface of an optical recording medium of a first type matching to the first wavelength or that of an optical recording medium of a second type matching to the second wavelength, whichever appropriate; a photodetector for detecting the light beam focused on the signal recording surface of the optical recording medium of the first type or that of the optical recording medium of the second type, whichever appropriate, by the objective lens and reflected by the signal recording surface; and a diffraction element arranged in the light path from the light sources to the photodetector by way of one of the first or second type of optical recording medium, the diffraction element having a first diffraction angle and a second diffraction angle, wherein a difference between the first diffraction angle and the second diffraction angle is predetermined to offset a distance separating the first light source and the second light source; at least one of the first light beam adapted to be used for reading information signals from the signal recording surface of the optical recording

medium of the first type and reflected by the reflecting surface, or the second light beam adapted to be used for reading information signals from the signal recording surface of the optical recording medium of the second type and reflected by the reflecting surface being diffracted by the diffraction element, wherein the first diffraction angle diffracts the first reflected light beam and the second diffraction angle diffracts the second reflected light beam so that the first reflected light beam and the second reflected light beam being focused to a same spot on the light receiving surface of the photodetector.

Applicant notes that independent claims 2, 9, 10, and 29 similarly recite the diffraction element having a first diffraction angle and a second diffraction angle, wherein a difference between the first diffraction angle and the second diffraction angle is predetermined to offset a distance separating the first light source and the second light source and wherein the first diffraction angle diffracts the first reflected light beam and the second diffraction angle diffracts the second reflected light beam so that the first reflected light beam and the second reflected light beam being focused to a same spot on the light receiving surface of the photodetector;

Shimano discloses an optical head that eliminates a disturbance that occurs in a focus error signal in association with the decentering of an optical disk when an optical spot crosses a track on a storage film surface, and in addition the optical head cancels an off-set which occurs in a tracking error signal in association with the movement of an objective lens. Referring to Fig. 20, *Shimano* illustrates an optical system comprising a 650 nm semiconductor laser 2001, a 780 nm semiconductor laser 2002, diffraction gratings 2003 and 2004 that generate $\pm 1^{st}$ order diffracted lights that correspond to laser 2001 and 2002, respectively. The semiconductor laser 2001 is reflected by a dichromatic mirror 2005, passes through a beam splitter 2006, and is reflected at a triangle reflection mirror 2007 and converged on a recording medium 2009 by an objective lens 2008. Light reflected from the recording medium 2009, passes through objective lens 2008, is reflected by the triangle reflection mirror 2007, passes through the beam splitter 2006, the dichromatic mirror 2005, and an optical component G, and converged on an optical detector 2010. The optical component G can be a curvilinear diffraction grating 2101 or 2102 either of which outputs optical spots for each of the 0-order and $\pm 1^{st}$ order diffracted lights generated by diffraction grating 2003 or 2004. The optical spots are output in various predetermined locations on the optical detector surface. *Shimano* fails to disclose, teach, or

suggest that the curvilinear diffraction grating includes a first and second diffraction angle associated with the reflected light beams of the first and second light sources, respectively.

As noted above, independent claim 1 recites, among other things, the diffraction element having a first diffraction angle and a second diffraction angle, wherein a difference between the first diffraction angle and the second diffraction angle is predetermined to offset a distance separating the first light source and the second light source and wherein the first diffraction angle diffracts the first reflected light beam and the second diffraction angle diffracts the second reflected light beam so that the first reflected light beam and the second reflected light beam being focused to a same spot on the light receiving surface of the photodetector. To properly anticipate a claim, the document must disclose, explicitly or implicitly, each and every feature recited in the claim. *See* Verdegall Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Because *Shimano* fails to disclose, teach, or suggest at least a diffraction element as recited in claims 1, 2, 9, 10, and 29, Applicant submits that these claims are not anticipated. Accordingly, Applicant respectfully requests that the rejection of claims 1, 2, 9, 10, and 29 be withdrawn and these claims be allowed.

Claims 17-19 depend from claim 1, claims 20-22 depend from claim 2, claims 23-25 depend from claim 9, and claims 26-28 depend from claim 10. By virtue of this dependency, Applicant submits that claims 17-28 are allowable for at least the same reasons discussed above with respect to claims 1, 2, 9, and 10. Moreover, claims 17-28 are allowable for at least the additional elements recited therein, and particularly within each claimed combination. Accordingly, Applicant submits that the rejection of claims 17-28 under 35 U.S.C. §102 be withdrawn, and these claims be allowed.

Conclusion

Based on at least the foregoing amendments and remarks, Applicant submits that claims 1-10 and 17-29 are allowable, and this application is in condition for allowance. Accordingly, Applicant requests favorable reexamination and reconsideration of the application. In the event the Examiner has any comments or suggestions for placing the application in even better form, Applicant requests that the Examiner contact the undersigned attorney at the number listed below.

Dated: October 1, 2003

Respectfully submitted,

By _____
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Enclosure(s): Four (4) sheets of Replacement Drawings (FIGS. 1-7)
Four (4) sheets of Annotated Drawings showing changes (FIGS. 1-7)

In the event additional fees are necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 180013 for any such fees; and applicants hereby petition for any needed extension of time.